

EXHIBIT

9

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

HEARING ON MOTION FOR PRELIMINARY INJUNCTION
AS TO SENATE DISTRICT 10
BEFORE THE HONORABLE DAVID C. GUADERRAMA,
HONORABLE JERRY E. SMITH
AND HONORABLE JEFFREY V. BROWN
VOLUME 6 (AM SESSION) OF 9 VOLUMES

APPEARANCES:

FOR THE PLAINTIFFS ROY CHARLES BROOKS, FELIPE GUTIERREZ, PHYLLIS GOINES, EVA BONILLA, CLARA FAULKNER, DEBORAH SPELL, BEVERLY POWELL:

Mr. Chad W. Dunn
Brazil & Dunn
4407 Bee Caves Road
Building 1, Suite 111
Austin, Texas 78746
(512) 717-9822
and

18 Mr. Mark P. Gaber
Mark P. Gaber, PLLC
19 P.O. Box 34481
Washington, DC 20043
20 (715) 482-4066
and

21 Ms. Molly Elizabeth Danahy
22 Molly E. Danahy, Esq
23 P.O. Box 26277
24 Baltimore, Maryland 21210
25 (208) 301-1202

1 **APPEARANCES (continued) :**

2 **FOR THE PLAINTIFFS ROY CHARLES BROOKS, FELIPE GUTIERREZ,
PHYLLIS GOINES, EVA BONILLA, CLARA FAULKNER, DEBORAH
SPELL, BEVERLY POWELL:**

3 Ms. Sonni Waknin
4 Sonni Waknin, Esq
5 10300 Venice Boulevard, Apartment 204
Culver City, California 90095
(723) 610-1283

6 and

7 Mr. Jesse Gaines
Jesse L. Gaines Attorney at Law
P.O. Box 50093
8 Fort Worth, Texas 76103
(817) 714-9988

9
10 **FOR THE DEFENDANTS GREG ABBOTT, JOHN SCOTT, JOSE A.
ESPARZA, STATE OF TEXAS, TEXAS LIEUTENANT GOVERNOR DAN
PATRICK AND TEXAS SPEAKER DADE PHELAN:**

11 Mr. Patrick K. Sweeten
12 Mr. Christopher D. Hilton
13 Mr. Eric Hudson
14 Mr. William Thomas Thompson
15 Ms. Kathleen Hunker
16 Ms. Courtney Brooke Corbello
17 Mr. Jack Buckley DiSorbo
Office of Texas Attorney General
P.O. Box 12548
MC 009
Austin, Texas 78711
(512) 463-4139

18 **ALSO PRESENT:**

19 Mr. Brian Christopher

20 Court Reporter:

21 Laura Wells, RPR, RMR, CRR
601 Rosenberg, Suite 615
Galveston, Texas 77550

22 Proceedings recorded by mechanical stenography.
Transcript produced by computer-assisted transcription.

23

24

25

VOLUME 6
(HEARING ON MOTION FOR PRELIMINARY INJUNCTION
AS TO SENATE DISTRICT 10)

3	JANUARY 27, 2022	
4	Opening Statement by Defendants.....	5
5	Plaintiffs' Objection to Senator Huffman's testimony.....	24
6	Defendants' Exhibit Number 59 played.....	62
7	Defendants' Exhibit Number 59 concluded.....	62
8	Defendants' Exhibit Number 59 played.....	64
9	Defendants' Exhibit Number 59 concluded.....	65
10	Defendants' Exhibit Number 59 played.....	66
11	Defendants' Exhibit Number 59 concluded.....	67
12	Defendants' Exhibit Number 59 played.....	67
13	Defendants' Exhibit Number 59 concluded.....	68
14	Defendants' Exhibit Number 59 played.....	72
15	Defendants' Exhibit Number 59 concluded.....	73
16	Defendants' Exhibit Number 59 played.....	75
17	Defendants' Exhibit Number 59 concluded.....	75
18	Defendants' Exhibit Number 59 played.....	77
19	Defendants' Exhibit Number 59 concluded.....	77
20	Defendants' Exhibit Number 59 played.....	77
21	Defendants' Exhibit Number 61 played.....	79
22	Defendants' Exhibit Number 61 concluded.....	80
23	Defendants' Exhibit Number 65 played.....	90
24	Defendants' Exhibit Number 65 concluded.....	92
25	Defendants' Exhibit Number 65 played.....	94
	Defendants' Exhibit Number 65 concluded.....	94
	Defendants' Exhibit Number 65 played.....	95
	Defendants' Exhibit Number 65 concluded.....	98
	Defendants' Exhibit Number 65 played.....	101
	Defendants' Exhibit Number 65 concluded.....	103
	Defendants' Exhibit Number 65 played.....	103
	Defendants' Exhibit Number 65 concluded.....	105
	Defendants' Exhibit Number 65 played.....	106
	Defendants' Exhibit Number 65 concluded.....	106
	Defendants' Exhibit Number 65 played.....	107
	Defendants' Exhibit Number 65 concluded.....	108
	Defendants' Exhibit Number 65 played.....	109
	Defendants' Exhibit Number 65 concluded.....	110
	Defendants' Exhibit Number 65 played.....	112
	Defendants' Exhibit Number 65 concluded.....	113
	Defendants' Exhibit Number 65 played.....	117
	Defendants' Exhibit Number 65 concluded.....	118
	Defendants' Exhibit Number 65 played.....	119
	Defendants' Exhibit Number 65 concluded.....	120
	Defendants' Exhibit Number 65 played.....	120

	Page
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
1	JANUARY 27, 2022
2	
3	Defendants' Exhibit Number 65 concluded..... 123
4	Defendants' Exhibit Number 65 played..... 124
5	Defendants' Exhibit Number 65 concluded..... 126
6	Defendants' Exhibit Number 65 played..... 127
7	Defendants' Exhibit Number 65 concluded..... 127
8	Defendants' Exhibit Number 65 played..... 127
9	Defendants' Exhibit Number 65 concluded..... 128
10	Reporter's Certificate..... 156
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
7	ALPHABETICAL
8	
9	WITNESSES
10	Page
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
9	SENATOR CECILIA JOAN HUFFMAN
10	25
11	Direct Examination By Mr. Hilton
12	129
13	Cross-Examination By Mr. Dunn
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 that corresponds to Page 37 of Defendants' Exhibit Number
2 58.

3 MR. HILTON: Brian, if you would play that.

4 (Defendants' Exhibit Number 59 played, as follows:)

10:39:13 5 "MR. LEE: -- to the State, though.

6 "SENATOR HUFFMAN: Well, as I stated very
7 clearly, these maps were drawn blind to race. And then I
8 consulted with the Attorney General's office, and they
9 gave me legal advice as to whether or not I had -- I had
10 complied with the Voting Rights, Section 2; and that's
11 what we have done.

12 "We invite anyone -- because the data that they use is
13 completely open to the public, we invite anyone to submit
14 alternative maps.

10:39:43 15 "Do you have a map you would like for us to consider
16 here today?

17 "MR. LEE: I do not.

18 "SENATOR HUFFMAN: Okay."

19 (Defendants' Exhibit Number 59 concluded)

10:39:47 20 BY MR. HILTON:

21 Q. Is that an accurate recording of your statements in
22 the Senate hearing that day?

23 A. Yes.

24 Q. And do you recall who the person you are addressing
10:39:55 25 is?

1 grants special protection to a minority group's rights to
2 form political coalitions. So, again, we can interpret
3 the law differently. I have been assured, I have studied
4 it, that the maps are in compliance, and that we have
5 followed the requirements under *Bartlett v. Strickland*."

11:26:39 6 **Q.** Thank you, Senator. Is that a substantively accurate
7 transcription of your statements during that hearing?

8 **A.** Yes.

9 MR. HILTON: And again, Your Honors, the pause
10 means I'm skipping some clips and trying to conclude here.
11 I appreciate your indulgence.

12 BY MR. HILTON:

13 **Q.** All right. Senator Huffman, I'm going to ask you to
14 read another one of your statements beginning on Page 65
15 of the transcript --

16 **A.** All right.

17 **Q.** -- beginning at Line 22. This is in response to a
18 question by Senator Menendez -- or at least that is what
19 is reflected on the transcript -- regarding growth of
20 minority population in the state. That's the context for
21 what I'm asking you to read.

22 **A.** "Well, Senator Menendez, as you well know, I stated
23 several times I drew blind to race; and we did preserve
24 all the current both Black opportunity districts and
25 Hispanic or Latino opportunity districts in the existing

1 plan.

2 "I have repeatedly said -- and I think I just said
3 this to Senator Powell -- for any group to bring us
4 something that we didn't see, anything -- excuse me,
5 something we missed. We were more than willing to run a
6 VRA analysis on that, which, in fact, we have done with
7 everything submitted; and nothing submitted has indicated
8 to us that another minority opportunity district is
9 required to be drawn under the law.

10 "As you understand, of course, that it would be racial
11 gerrymandering to just draw a map based on race unless
12 there is a strong basis in evidence to believe the
13 districting decision is required in order to comply with
14 Section 2 of the Voting Rights Act."

15 **Q.** Thank you, Senator. Is that a substantively accurate
16 transcription of your response to Senator Menendez's
17 questioning during the floor debate?

18 **A.** Yes.

19 **Q.** Thank you. I'm going to turn to Page 71 of the
20 transcript, a question from Senator Gutierrez beginning on
21 Line 14. And I have just asked you to read a number of
22 lengthy quotes. So I'll do this one.

23 "SENATOR GUTIERREZ: All right. And so if a plan
24 splits fewer than 23 counties, would that be better or
25 worse?